

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KENNETH D. DILLEY,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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4:08CV3005

ORDER OF RECUSAL

I have been informed by counsel that David R. Dyke, M.D. is expected to be an expert witness to testify in this FTCA medical malpractice case. Within the past year Dr. Dyke has treated my wife regarding a cancerous gall bladder and intestinal blockage. My impartiality might reasonably be questioned as the trier of fact in this nonjury case.

IT IS ORDERED that I recuse myself from this case and request Chief Judge Bataillon to reassign it.

Dated March 16, 2009.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge